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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,305	07/09/2003	Gvozded Dokic		1304

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EXAMINER

AHLUWALIA, NAVNEET K

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/604,305

Applicant(s)

DOKIC ET AL.

Examiner

Navneet K. Ahluwalia

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the Amendment filed November 17, 2006.

Response to Arguments

2. Claims 1 – 22 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 22 remain rejected. Applicant's arguments filed with respect to claims 1 – 22 have been fully considered but they are not persuasive.

Applicant argues that there is no teaching in Mindrum or Krim of live chat function.

In response to Applicant's argument, the Examiner respectfully disagrees and submits that Krim teaches the communication with instant messaging service, which could be with anyone at the physical location of the funeral or anywhere. Furthermore this is clearly disclosed in paragraph 0063, Krim.

Other claims recite the same subject matter and for the same reasons as cited above the rejection is maintained.

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 103 rejections are sustained.

Claim Objections

3. Claim 19 is objected to because of the following informalities: Claim 19 the same as claim 18 and therefore does not further limit the independent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum et al. ('Mindrum' herein after) (2005/0135793 A1) further in view of Todd Michael Krim ('Krim' herein after) (US 2002/0072925 A1).

With respect to claim 1,

Mindrum discloses a system and method of online memorial creation, comprising: a first stable station on the Internet for a user to create a living memorial of him or herself (Figure 2 element 36, Mindrum); a second stable station, linked to said first stable station, on the Internet for a user to create a memorial of a deceased person or persons (Figure 2 element 32, Mindrum); a third stable station, linked to said first and second stable stations, on the Internet for live web casting of a funeral or memorial services (Figure 2 element 34, Mindrum); a live time chat function, linked to said first, second and third stable stations, for users to talk to each other and communicate over a variety of subjects; a media file storage facility (Figure 2 element 40), linked to said first, second and third stable stations, to allow users to store video, audio or data files (Figure 2 element 42); and Web-crafting tools incorporated in said first, second, and third stable stations, allowing a user or users to create sites about themselves or others (Figure 2 element 44, Mindrum).

Mindrum however does not explicitly disclose the live time chat function explicitly.

Krim teaches the communication between people connected over the Internet via a message center (Figure 4A, Krim) and the live chat using instant messaging (paragraph 0063, Krim).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they are in the same field of invention, funeral/ memorial services. Furthermore the

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electronic communication of Krim via Internet would improve on Mindrum's system and method to allow communication between message senders (page 1 paragraph [0005] lines 14 – 26, Krim).

7. Claims 2 – 9 are rejected under the same rationale given for claim 1. The citations of the elements claimed and taught are listed below.

With respect to claim 2,

Mindrum as modified discloses a system and method of online memorial creation as in claim 1, wherein said first stable station has a means for a user to set up an account and enter personal information in data, video or audio format, for other authorized users to access during the user's life or after the users death (Figures 1A, 2B, 3A and 3C and page 2 paragraph [0021], Krim).

With respect to claim 3,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 1, wherein said second stable station, allows a user to set up an account to enter information on a deceased person, including any biographical information, in data, video, or audio files, for other authorized users to view (Figures 1, 3 and page 1 paragraph [0009] lines 14 – 24, Mindrum).

With respect to claim 4,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 2, further comprising a calendaring system to allow authorized users to enter important dates regarding the deceased person, such as visitation or funeral services as well as other important dates, such as birth date, death date, and anniversaries (page 4 paragraphs [0041 – 0042], Mindrum).

With respect to claim 5,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 2, further comprising a live web casting of visitation, memorial, funeral or graveside services for authorized users to view in real time, or at a later date, if they cannot physically be at these services (page 3 paragraph [0032], Mindrum).

With respect to claim 6,

Mindrum as modified teaches a system and method of online memorial creation, as in claim 2, further comprising links to local florists and charities which can be used by authorized users to commemorate the deceased (page 3 paragraph [0040], Krim).

With respect to claim 7,

Mindrum as modified teaches a system and method of online memorial creation, as in claim 2, further comprising a bulletin board system for authorized users to leave messages for family's members of the deceased (Figure 4A, Krim).

With respect to claim 8,

Mindrum as modified discloses a system and method of online memorial creation as in claim 1, further comprising a live video and audio feed to a gravesite of the deceased, or to a favorite place of the deceased (page 3 paragraph [0032], Mindrum).

With respect to claim 9,

Mindrum as modified discloses system and method of online memorial creation, as in claim 1, further comprising a means for a spanning memorial to be set up for a group of persons as victims of a tragedy (page 1 paragraph [0008], Mindrum).

With respect to claim 10,

Mindrum discloses a system and method of online memorial creation, comprising: a first stable station on the Internet for a user to create a living memorial of him or herself (Figure 2 element 36, Mindrum); a second stable station, linked to said first stable station, on the Internet for a user to create a memorial of a deceased person or persons (Figure 2 element 32, Mindrum); a third stable station, linked to said first and second stable stations, on the Internet for live web casting of a funeral or memorial services (Figure 2 element 34, Mindrum); a live time chat function, linked to said first, second and third stable stations, for users to talk to each other and communicate over a variety of subjects, wherein said live time chat function is a condolence chat which can put family members in touch over large distances in real time; a media file storage

facility (Figure 2 element 40), linked to said first, second and third stable stations, to allow users to store video, audio or data files (Figure 2 element 42); and Web-crafting tools incorporated in said first, second, and third stable stations, allowing a user or users to create sites about themselves or others (Figure 2 element 44, Mindrum).

Mindrum however does not explicitly disclose the live time chat function explicitly.

Krim teaches the communication between people connected over the Internet via a message center (Figure 4A, Krim) and the live chat using instant messaging (paragraph 0063, Krim).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because they are in the same field of invention, funeral/ memorial services. Furthermore the electronic communication of Krim via Internet would improve on Mindrum's system and method to allow communication between message senders (page 1 paragraph [0005] lines 14 – 26, Krim).

8. Claims 11 – 22 are rejected under the same rationale given for claim 10. The citations of the elements claimed and taught are listed below.

With respect to claim 11,

Mindrum as modified discloses a system and method of online memorial creation as in claim 1, wherein said first stable station has a means for a user to set up an account and enter personal information in data, video or audio format, for other

authorized users to access during the user's life or after the users death (Figures 1A, 2B, 3A and 3C and page 2 paragraph [0021], Krim).

With respect to claim 12,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 10, wherein said second stable station, allows a user to set up an account to enter information on a deceased person, including any biographical information, in data, video, or audio files, for other authorized users to view (Figures 1, 3 and page 1 paragraph [0009] lines 14 – 24, Mindrum).

With respect to claim 13,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 10, further comprising a calendaring system to allow authorized users to enter important dates regarding the deceased person, such as visitation or funeral services as well as other important dates, such as birth date, death date, and anniversaries (page 4 paragraphs [0041 – 0042], Mindrum).

With respect to claim 14,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 10, further comprising a live web casting of visitation, memorial, funeral or graveside services for authorized users to view in real time, or at a later date, if they cannot physically be at these services (page 3 paragraph [0032], Mindrum).

With respect to claim 15,

Mindrum as modified teaches a system and method of online memorial creation, as in claim 10, further comprising links to local florists and charities which can be used by authorized users to commemorate the deceased (page 3 paragraph [0040], Krim).

With respect to claim 16,

Mindrum as modified teaches a system and method of online memorial creation, as in claim 10, further comprising a bulletin board system for authorized users to leave messages for family's members of the deceased (Figure 4A, Krim).

With respect to claim 17,

Mindrum as modified discloses a system and method of online memorial creation as in claim 10, further comprising a live video and audio feed to a gravesite of the deceased, or to a favorite place of the deceased (page 3 paragraph [0032], Mindrum).

With respect to claim 18,

Mindrum as modified discloses system and method of online memorial creation, as in claim 10, further comprising a means for a spanning memorial to be set up for a group of persons as victims of a tragedy (page 1 paragraph [0008], Mindrum).

With respect to claim 19,

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Mindrum as modified discloses system and method of online memorial creation, as in claim 10, further comprising a means for a spanning memorial to be set up for a group of persons as victims of a tragedy (page 1 paragraph [0008], Mindrum).

With respect to claim 20,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 10, wherein said live time chat function is a condolence chat which can put family members in touch over large distances with pastors, rabbis, or other grief counselors in real time (paragraph 0063, Krim).

With respect to claim 21,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 10, wherein said live time chat function is configured to be used specifically for a funeral where no one grieving party is required to be in the same physical location as the deceased (paragraph 0063, Krim).

With respect to claim 22,

Mindrum as modified discloses a system and method of online memorial creation, as in claim 10, wherein said live time chat function is a condolence chat wherein said grieving parties are not required to be in the same physical location as each other, the pastors, rabbis, grief counselors or the deceased (paragraph 0063, Krim).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Navneet
Navneet K. Ahluwalia
Examiner
Art Unit 2166

Dated: 01/31/2007

TM
2/5/07

Hosain
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SUPERVISORY PATENT EXAMINER